IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9425 of 2005

Between:

Smt.Mumtaz Begum, w/o Mohammed Ahmed @ Amjad,
r/o H.No.11-4-627/5/B, A.C.Guards, Hyderabad.

..... PETITIONER

AND

1 The Assistant City Planner, Circle No.IV,
Municipal Corporation of Hyderabad,
Khairatabad, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1
dt.21-4-2005 threatening to demolish the premises Nos.10-5-5/4/G (2) 10-5-5/4/1 (3) 10-5-5/4/H and (4) 10-5-5/4/K, situated at Masab Tank, Banjara Hills Road No.1 as illegal, void and in contravention of Sec.636 HMC Act and the stipulation of the Declaration of Transfer of Exchange dt.21-1-1997 and consequently direct the respondent No.1 not to demolish the same.

Counsel for the Petitioner:MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GHANTA

The Court, at the stage of admission, made the following :

ORDER:

Petitioner seeks a Writ of Mandamus declaring the action of the first respondent-Assistant City Planner, Municipal Corporation of Hyderabad, Hyderabad in seeking to demolish the premises of the petitioner bearing Door Nos.10-5-5/4/G, 10-5-5/4/I, 10-5-5/4/H and 10-5-5/4/K situated at Masab Tank, Road No.1,Banjara Hills, Hyderabad in contravention of the provisions of the Hyderabad Municipal Corporation Act, 1955(for short "the Act"), is arbitrary and illegal.

The grievance of the petitioner is that the respondents neither issued any notice nor initiated any proceedings in terms of the provisions of the Act and they have been taking steps to demolish the premises in question highhandedly.

Sri.Ghanta Rama Rao, learned standing counsel appearing for the respondents states that the first respondent is not taking any steps in contravention of the provisions of the Act.

Accordingly, recording the statement of the learned standing counsel, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the premises in question and not to demolish the same without following due process of law. No costs.

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27.04.2005

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To

1 The Assistant City Planner, Circle No.IV,
Municipal Corporation of Hyderabad,
Khairatabad, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad.

3 2 CD copies

4 1 CC to MR.MOHD.ZIA-UL-HAQ.